THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2086 OF 2007

DATED: 09-03-2007

BETWEEN

Mateti Surya Venkata Satya Ramachander Rao,
S/o. Gopala Rao, Occ: Retired Karnam,
R/o. Koyyalagudem Village,
West Godavari District.

...PETITIONER

AND

The Superintendent of Police,
West Godavari District, Eluru,
West Godavari District
and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the police officials – respondents 1 to 3 in not providing protection in safeguarding the his properties situated in R.S.Nos.403/3, 419,418, 223,221, 119/2, 11, 245, 407/1 & 2, 121, 44/2A and 124/1 of Gopalapuram Village & Mandal, West Godavari District from the hands of respondents 7 to 29 as illegal and arbitrary and to direct the respondents 1 to 6 to take appropriate action against the respondents 7 to 29.

2. Learned counsel for the petitioner submits that the aforesaid lands fell to the share of the petitioner in family partition and the respondents 7 to 29 are trying to trespass into his lands with an intention to grab those lands with the help of the respondent No.11.

He further submits that the respondents 7 to 29 are interfering with the agricultural operations of the petitioner and taking away the crop by threatening his workers. The grievance of the petitioner is that in spite of several reports to the police officials against the respondents
7 to 29, they have not initiated any action.

3. Counter has been filed stating that the petitioner never made any complaint against the illegal acts of the respondents 7 to 29 with regard to their interference in his agricultural operations and that they have taken away the crop threatening his workers. It is stated that unless written information is filed against the unofficial respondents alleging that they have committed cognizable offence, the police cannot initiate any action. It is stated that neither the petitioner nor his workers lodged any complaint before the police. It is further stated that if any complaint is received from the petitioner pertaining to a cognizable offence, the police will take necessary action according to law.

4. I am of the opinion that the petitioner without approaching the concerned authority seeking necessary police protection by lodging a complaint, straightaway filed this writ petition, which is not just and proper.

The writ petition is accordingly dismissed with a liberty to the petitioner to make a representation before the police seeking protection. There shall be no order as to costs.

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V. ESWARAIAH, J

March 12, 2007
DSK